

REMARKS

Claims 1-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,466,550 B1 ("Foster") in view of U.S. Patent No. 5,838,665 B1 ("Kahn"). Claims 10-17 are allowed.

The Examiner's rejection of the claims is respectfully traversed below on the basis that Foster and Kahn, considered separately or in combination, fail to disclose certain elements of the claims. Applicant gratefully acknowledges the allowance of claims 10-17.

Claims 1-9 are Patentable over Foster and Kahn

The Examiner rejected claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable over Foster in view of Kahn. According to the Examiner, Foster shows in Fig. 9 multiple speech-packet processing paths 182 and 184, a speech decoder 190 for performing digital-to-analog conversion of the packet streams, and a mixer 192 that mixes the decoded speech samples. The Examiner acknowledges that Foster does not disclose a call waiting capability that includes a non-mixed output. The Examiner relies on Kahn for the missing output of Foster. In particular, the Examiner suggests it would have been obvious to those of skill in the art to combine the hold circuit 72 of Kahn with Foster to permit calls to be placed on hold.

Applicant respectfully traverses the Examiner's rejections on the basis that Foster and Kahn, considered separately or in combination, fail to disclose certain elements of the claims.

Claim 1 of the present invention requires a digital-to-analog converter for receiving at least two packet data streams and converting those streams into separate analog representations. A mixer is then used to selectively combine the separate analog representations into a mixed output or provide a non-mixed output corresponding to one of the analog

representations. The claimed digital-to-analog converter and selective mixer are part of a packet data terminal.

In rejecting claim 1 the Examiner indicates that decoder 190 of Foster is analogous to the claimed digital-to-analog converter. The Applicant respectfully disagrees. Decoder 190 in Fig. 9 of Foster is not equivalent to the claimed digital-to-analog converter. In particular, decoder 190 is not a digital-to-analog converter, but merely decodes a compressed digital representation into a decompressed digital representation, apparently PCM samples (see PCM interface 194). There is no conversion to analog data. See, Foster, col. 9, lines 24-42, which describes decoder 156, which is apparently analogous to decoder 190. Hence, Foster does not disclose the claimed digital-to-analog converter. Notably, Kahn does not fill this gap.

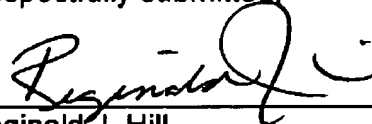
The Examiner also indicates in his rejection of the claims that mixer 192 is analogous to the claimed selective mixer. The Applicant respectfully disagrees. Mixer 192 is a digital mixer that mixes digital samples, rather than a mixer that mixes analog representations, as claimed. See Foster, col. 10, lines 37-41 indicating the mixer "mixes decoded speech samples." Hence, Foster does not disclose the claimed selective mixer. And again, Kahn does not fill this gap.

Since Foster and Kahn fail to disclose the claimed digital-to-analog converter and the claimed selective mixer, there is no *prima facie* case of obviousness and therefore, claim 1 is allowable. Claims 2-9, which depend from claim 1 are allowable for at least the reasons given above for claim 1.

CONCLUSION

All pending claims are in condition for allowance. Allowance at an early date is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Reginald J. Hill", is written over a horizontal line.

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